

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 2:07CR30-WHA
)	
EPIFANIO ALCARAZ-ALCARAZ)	
aka Manuel Rayos _____)	

UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, Epifanio Alcaraz-Alcaraz, by and through undersigned counsel, Kevin L. Butler, and moves this Court, pursuant to 18 U.S.C. §§ 3161(h)(3)(A)(B), (h)(6), (h)(8)(B)(I), and (h)(8)(B)(iv) for a continuance of his trial setting of April 23, 2007. In support of this motion, Defendant would show the following:

1. Mr. Alcaraz-Alcaraz is charged with possession with intent to distribute narcotics.
2. The criminal activities alleged in the indictment have taken place within the Middle District of Alabama and the Southwest United States. As a result, this case and the investigation is complex.
3. Undersigned counsel is presently attempting to locate remote and out of state witnesses who may provide relevant and material information necessary for trial of this matter. The investigation will not be completed on or before the presently scheduled court date.
4. Additionally, on April 4, 2007, a superseding indictment was filed in this matter. Undersigned counsel needs additional time to review discovery connected with this superseding charge as well as conduct necessary investigation in this new charges.
5. For these reasons, it is in the interest of justice to continue trial in this matter.

6. While requests for a continuance are addressed to the sound discretion of the trial court, *United States v. Darby*, 744 F.2d 1508, 1521 (11th Cir. 1984), *reh'g denied* 749 F.2d 733, *cert. denied*, 471 U.S. 1100 (1985), Mr. Alcaraz-Alcaraz feels that, in this case, the ends of justice will be served by allowing the defense adequate time to locate all information relevant and necessary to prepare a defense to the charges. Additionally, pursuant to 18 U.S.C. §§ 3161(h)(3)(A)(B), (h)(6), (h)(8)(B)(I), and (h)(8)(B)(iv), this court has authority to continue trial to allow counsel time to investigate this complex case.
7. The United States, through Assistant United States Attorney Clark Morris, does not oppose the granting of a continuance.

WHEREFORE, for the foregoing reasons, Mr. Alcaraz-Alcaraz respectfully requests that his trial date be continued from the presently scheduled date of April 23, 2007.

Dated this 17th day of April 2007.

Respectfully submitted,

s/ Kevin L. Butler
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CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

A. Clark Morris, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

s/ Kevin L. Butler
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